

REMARKS/ARGUMENTS

A. Interview with Examiner

In the office action mailed February 27, 2006, claims 1, 2, 4-7 and 21-30 were rejected under 35 U.S.C. §103(a) as being unpatentable over Bushey et al., in view of Kannan. The undersigned contacted the Examiner and scheduled a telephone interview which took place on August 11, 2006 at 3:00PM Eastern Standard Time.

During the interview, claims 1 and 6 were discussed in detail. Other claims either depend directly on claim 1 or contain one or more of the elements discussed. The undersigned further distinguished Bushey et. al. as focusing on grouping customers to find an appropriate customer service agent (ex. one who speaks the same language) whereas the claimed invention in accordance with the pending claims tailors interaction for each customer and individualizes the overall experience. Furthermore, the undersigned distinguished Kannan as being limited to web based communication where 'live' support is real-time computerized support over the world wide web (ex. two way chat between two individuals).

The examiner acknowledged the undersigned's position and arguments relating to the claims and suggested amendments that would better clarify and represent the claimed invention more so as to increase the likelihood of acceptance from the Patent Office. The amendments herein reflect the amendments suggested by the examiner.

B. 35 U.S.C. §112

In the Office Action mailed February 27, 2006, claims 5 and 27-30 were rejected as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The examiner states:

there are two "recording" limitations in independent claim 1, from which claim 5 ultimately depends, and likewise, two "recording limitations in independent claim 27 (i.e. lines 3 and 20). As a result, it is unclear to which limitation applicant is referring. Claims 28-30 are rejected based upon the same rationale, since they depend from claim 27.

Claims 1, 5, and 27 have been amended to clarify that the “recording” limitation is in reference to updating the interaction databases. Accordingly, withdrawal of the rejection under 35 U.S.C. § 112 is respectfully requested.

C. 35 U.S.C. §103

Claims 1, 2, 4-7 and 21-30 were rejected under 35 U.S.C. 103(a) as being unpatentable over Bushey et al. (USPN 6, 389, 400), in view of Kannan (US 2001/0054064).

Claim 1

According to the office action, combining Bushey and Kannan will disclose all of the elements of claim 1. Applicant respectfully disagrees. Prior to the current amendment, one element of claim 1 read:

automatically calculating a customer value for the customer based on historical customer interaction information including previous activities, purchases, or accounts of the customer recorded as transaction records for previous transactions between the customer and the customer interaction center over all possible channels, including reconciling the transaction records from different channels to produce the customer value.

In the office action, the examiner acknowledges that Bushey does not disclose this element but states that Kannan does in ¶0080.

¶0080 of Kannan reads:

Next, a determination is made on whether the customer qualifies for live service (step 710). The specific criteria used for qualifying a customer for live service can vary depending upon a particular business application and need. For example, only customers having a known status may qualify. In this case, service applet 534 determines customer status and sends the status data to service manager 610. Service applet 534 determines whether a customer status is known, for example, by evaluating whether (i) a customer logged on using a known account number or other forms of identification or whether (ii) data in the computer supporting customer browser 520 exists that verifies that the customer is a known entity (e.g., by reading cookies or data files). Service manager 610 compares the status data obtained from service applet 534 (e.g., account information or cookie data) with service server records in database 550 to determine whether the customer status is sufficient, i.e. whether the customer is known. Any other qualification methodologies can be used. In other embodiments, step 710 is not performed (such that all customers are qualified for live CS).

Although applicant disagrees with the examiner that in ¶0080 in Kannan discloses the element of claim 1 in its original form, the element is currently amended and thus applicant’s arguments are based on the current amendment. The element now reads:

automatically calculating a customer value for the customer based on historical customer interaction information contained in interaction databases including previous activities, purchases, or accounts of the customer recorded and stored on systems belonging to and backed up by the customer interaction center as transaction records for previous transactions between the customer and the customer interaction center over all possible channels, including reconciling the transaction records from different channels to produce the customer value.

Neither Bushey nor Kannan disclose the quoted limitation. Kannan's definition of 'live service' is limited to communication over the world wide web whereas the claimed invention in accordance with the pending claims includes any type of live communication. Kannan's statement 'determines whether a customer status is known' is limited to determining whether the customer is a returning customer or a new one. (see ¶0081: 'if the customer does not qualify the customer may be sent to a first-time user registration form. A registration form is displayed on the customer browser to allow the customer to enter registration information' and ¶0082 'if the customer qualifies, then service manager enables the customer for live customer service'). Customers who are not registered cannot have real-time communication over the web. Therefore, the feature of claim 1 of 'historical customer interaction information contained in interaction databases including previous activities, purchases, or accounts of the customer recorded and stored on systems belonging to and backed up by the customer interaction center as transaction records for previous transactions between the customer and the customer interaction center over all possible channels, including reconciling the transaction records from different channels to produce the customer value' is NOT disclosed by Kannan. Thus the rejection is overcome and should be withdrawn.

The office action further alleges that Kannan discloses 'reconciling the transaction records from different channels to produce the customer value.' To support this position, the office action quotes ¶0080 in Kannan: 'evaluating previous transactions, based upon cookie information.' As the undersigned stated in the telephone interview, the cookie information disclosed in Kannan is stored and managed by the customer and NOT but the vendor/service center. The examiner suggested modifying claim 1 (and 21, and 27) to capture this more effectively. In accordance with the examiner's suggestion, Applicant has modified the element of claim 1 to reflect that historical data shall be 'stored on systems belonging to and backed up

by the customer interaction center.’ Neither Bushey nor Kannan disclose this element and thus the rejection is overcome and should be withdrawn.

The office action asserts that Bushey discloses ‘automatically calculating a customer value.’ However, the customer value calculated by Bushey is calculated using different criteria and calculated for a different purpose. Bushey groups customer criteria to find an agent best matched for that customer: ‘this invention relates to routing requests from customers to agents, and more specifically to routing requests from a customer to an agent best matched for that customer based on a model of the customer and models of the agents.’ (Col. 1 lines 12-17 in Bushey).

Neither Bushey nor Kannan disclose the elements of claim 1 stating ‘determining whether said customer value exceeds a predetermined customer value threshold.’ The office action states that Bushey discloses ‘whether said customer value exceeds a predetermined customer value threshold.’ Applicant respectfully disagrees. The office action basis for this rejection is at column 10, lines 35-37 in Bushey which read: ‘initially, the customer request may be routed only to an available agent on the list that has a score equal to or greater than this threshold match value.’ Bushey sets a predetermined value between 0 and 100 to customers and agents based on certain grouping criteria. The threshold Bushey refers to is the minimum allowable window between the customer’s integer value and the agent’s integer value. ‘The service center determines a threshold match value that agents must achieve regarding the requesting process.’ (See. Column 10, lines 28-30). The ‘threshold match value’ in Bushey does not disclose ‘determining whether said customer value exceeds a predetermined customer value threshold.’

The office action acknowledges that Bushey does not disclose some elements of claim 1 but argues that Kannan does. Applicant respectfully disagrees. The relevant portions are:

the customer value threshold defining the channels through which the current interaction may proceed so that lower valued customers have access only to channels requiring less interaction with a customer service representative of the customer interaction center and channels providing a slower than real-time response to queries from the customer; and
if said customer value is less than said predetermined customer value threshold, presenting said customer with a partial list of interaction options over the computer network and receiving a selected interaction option from the customer over the computer network, wherein said selected interaction option is listed on said partial list;

if said customer value is not less than said predetermined customer value threshold, presenting said customer with a complete list of interaction options over the computer network and receiving a selected interaction option from the customer over the computer network.

The rejection quotes ¶0084 and ¶0088 of Kannan. With respect to a ¶0084, the office action states: ‘defining the channels through which the current interaction may proceed (i.e. determining from the customer profile whether a customer is high-margin/low margin provider and whether the interaction will be simple or complex.’ Once again, Kannan is reviewing cookie/browsing information on the customer’s computer and thus relying on the customer to manage such data in a manner significant and appropriate for the vendor. The historical data for the claimed invention is stored and controlled at the service provider’s site. ¶0027 in Kannan defines complex as ‘being more complex than exchanging messages.’ Furthermore, the complex/simple analysis is based on the current transaction and not historical transactions. The high-margin/low-margin determination is based on the current transaction, browsing activity/cookie data. (see Kannan ¶0103 ‘with cookie data identifying a high-margin account,’ and ¶0105 ‘visitor who has entered profile information indicating a high net worth.’

With respect to the element of claim 1 containing ‘lower valued customers have access only to channels requiring less interaction with a customer service representative of the customer interaction center and channels providing a slower than real-time response to queries from the customer,’ the office action relies on ¶0088 stating: ‘customer selecting the type of customer service wanted, including via computer (question/answer) or phone (live CSR), based upon the authorization for the type of customer service the customer can receive.’ As stated previously, Kannan does not include any type of real-time communication outside of chat over the world wide web. Furthermore, ¶0088 is also limited to current customer activity and information stored on the customer computer.

With respect to the element of claim 1 containing ‘if said customer value is less than said predetermined customer value threshold,’ the office action references ¶0080 ‘determine whether the customer status is sufficient.’ The next line in ¶0080 after the one the office action quotes states: ‘i.e. whether customer is known.’ For the foregoing reasons, the rejection of claim 1 should be withdrawn.

Claim 2

Claim 2 stands rejected. According to the office action, 'Kannan discloses the customer selecting the type of customer services wanted, including via computer (question/answer) or phone (live CSR), based upon the authorization for the type of customer service the customer can receive' referencing ¶0088. Applicant respectfully disagrees. Kannan is limited to communication over the world wide web so service over the phone is not an option as previously explained.

Claim 4

Claim 4 stands rejected. According to the office action, the subject matter of this claim is disclosed by Bushey et al. Applicant respectfully disagrees. The office action relies on column 8, lines 50-51: 'customer identification information may be used to search archived historical background information' and column 9, lines 20-22: 'this performance optimizing calculation matches the incoming customer's call with an ideal agent' to support his position. The referenced lines do not disclose 'presenting the contact history to a customer service representative (CSR); and interacting with the customer in accordance with the contact history, wherein said contact history comprises information related to previous interaction with the customer.' Bushey is limited to identifying an acceptable customer service agent for a customer.

Claim 5

Claim 5 stands rejected on the grounds that the subject matter of this claim is disclosed in Bushey et al. Applicant respectfully disagrees. Examiner states that column 8 lines 64-67 in Bushey et al disclose 'observing at least one customer response to a specific question.' However, lines 64-67 of Bushey column 8 state: 'this customer survey may be administered in the form of an IVR, a human operator, a questionnaire on the Internet, or some other form. 'The referenced lines in Bushey do not disclose 'observing at least one customer response to a specific question.' Furthermore, the lines preceding the referenced lines state 'customer may be routed to a survey to identify the current task they are trying to complete' (column 8, lines 56-58). Claim 5 has been amended to 'recording said at least one customer response to a specific question in a customer interaction database record in the customer interaction database; repeating the observing, creating

and recording steps until the completion of the interaction; and copying said customer interaction database record to said contact history database.’ The referenced text and figures 4 and 6 do not disclose the elements above.

Claims 6 and 29

Claims 6 and 29 stand rejected. The office action acknowledges that Bushey et al doesn’t fully disclose the subject matter of these claims, stating: ‘Bushey et al disclose any other device able to connect to the service center and the Examiner takes Official Notice that thin client computing devices (i.e., PDA, cellular, and paging) are well known in the art and normally consist of slower processors and smaller memories than laptop or desktop clients, as seen in Applicant’s specification, and would be recognized and responded to as such.’ No basis is provided to support this statement that Bushey would be able to determine whether ‘said request originates from a first client computing device comprising a first processor or from a second client computing device comprising a second processor, wherein said first client computing device comprises a slower central processing unit and a lower resolution display than said second client computing device.’ Furthermore, claim 6 and 29 are currently amended to ‘responding to said request by adjusting and customizing the level of graphics and data sent to the client device to a format compatible.’ Bushey does not disclose claim 6 and thus the rejection should be withdrawn.

Claims 22 and 23

Claims 22 and 23 also stand rejected. According to the office action, :

both Kannan and Bushey are concerned with effective customer service, therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include pre-configuring information for display to the customer on a client computing device of the customer based on the data about the customer’s profiles and preferences, the customer’s contact history data, and data about the current interaction, and pre-configuring the information for display based on a received request for product or service information in Bushey, as seen in Kannan, as an effective means of providing the corresponding interaction options to via the customer interface, thus making the system more robust.

The applicant respectfully disagrees. There is no suggestion to combine the cited art. Furthermore, Kannan is limited to communication over the world wide web and uses the

customer service model as an example, not as a method to provide better customer service. (see ¶0069: ‘The example of customer service is illustrative only. In general, the present invention can be used in any communication application’). Bushey is also based on entirely different art. Bushey is limited to grouping customers and agents to create an ideal match. The claimed invention customizes or tailors the experience for the customer such that the entire experience is tailored to an individualized level.

Claim 24

Claim 24 is amended to read ‘wherein the control program is further configured to control the customer interaction system for providing customized information about related products and services based on the data about the customer’s profiles and preferences, the customer’s contact history data, and data about the current interaction with the customer from the interaction database system.’ In the office action, claim 24 was rejected in its previous form based on lines 56-62 in column 8 of Bushey et al. The referenced lines read:

while the customer background information is being queried (s*), the customer may be routed to a survey to identify the current task they are trying to complete and to identify the current task they are trying to complete and to identify their current attitude as it relates to customer satisfaction issues (s9). Customer satisfaction issues may include assessing aspects such as the customer’s willingness to be up-sold additional products and services, whether they prefer a lengthy or brief negotiation, and whether they have questions in mind that they wish to have answered.

Although Applicant respectfully disagrees with Examiner’s assessment of claim 24 in its previous form, the current amendment further clarifies claim 24. The above quoted text does not include a ‘system for providing customized information.’ Furthermore, since Bushey et al performs the steps above ‘while the customer background information is being queried,’ it follows that the ‘data about the current interaction with the customer from the interaction database system’ element is not met.

Claims 21, 27 and 28

The rejection of claim 21 should be withdrawn for the same reasons as those stated in claim 1. The rejection of claim 27 should be withdrawn for the same reasons as claims 1, 4, and 5. The rejection of claim 28 should be withdrawn for the same reasons claim 1.

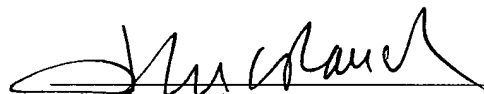
C. New Claims 31 & 32

Note that new claims 31 & 32 are being presented solely to provide added patent coverage for the method of claim 1 and the system of claim 21. Accordingly, the claims are not being presented for reasons related to patentability. Further, no new matter is added by these new claims.

CONCLUSION

In view of the arguments above, Applicants respectfully submit that all of the pending claims 1, 2-7 and 21-32 are in condition for allowance. Applicant respectfully requests that a timely Notice of Allowance be issued in this case. The Examiner is invited to contact the undersigned attorney for the Applicant via telephone if such communication would expedite this application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John G. Rauch", is written over a horizontal line.

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